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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Frankie Lee Rodriguez,

10 Plaintiff,

11 v.

12 Charles L. Ryan, et al.,

13 Defendants.
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No. CV-15-01766-PHX-DLR

ORDER

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16 Pending before the Court is the Report and Recommendation (“R&R”), (Doc. 22)
17 and Amended Report and Recommendation of Magistrate Judge Deborah Fine, (Doc. 2),
18 regarding statutory screening of Plaintiff’s First Amended Complaint (“FAC”), (Doc.
19 14), and Motion to Supplement, (Doc. 15). Plaintiff has also filed two motions for court
20 intervention, (Docs. 29, 30), requesting supplies and documents from Defendants.
21 Plaintiff is proceeding in forma pauperis and is currently incarcerated. The R&R
22 recommends that the Court order Defendant Ryan to answer Counts I and II of the FAC;
23 Defendants Ryan and Barrios answer Count IV of the FAC; Defendants Ryan, Fizer, and
24 Miser answer Count V of the FAC; and that Defendants Moody and Barrios answer
25 Count IX of the FAC. (Doc. 27 at 9-10.) It is recommended that the remaining counts of
26 the FAC, Counts III, VI, VII, and VIII, be dismissed for failure to state a claim. (*Id.* at 6,
27 8.) It is further recommended that the court grant Plaintiff’s motion to supplement. (*Id.*
28 at 10.) The Magistrate Judge advised the parties that they had fourteen days to file

1 objections to the R&R. (*Id.* at 10 (citing Fed. R. Civ. P. 72(b).) Plaintiff timely filed
2 objections on February 16, 2016. (Doc. 34.)

3 The Court has considered the objections and has reviewed the R&R de novo. *See*
4 Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1) (stating that the court must make a de novo
5 determination of those portions of the Report and Recommendation to which specific
6 objections are made). The Court agrees with the Magistrate Judge's determinations,
7 accepts the recommended decision within the meaning of Rule 72(b), and overrules
8 Plaintiff's objections. *See* 28 U.S.C. § 636(b)(1) (stating that the district court "may
9 accept, reject, or modify, in whole or in part, the findings or recommendations made by
10 the magistrate").

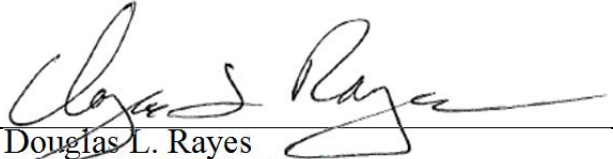
11 In addition, the Court denies Plaintiff's motions for court intervention. Plaintiff
12 requests that the Court order Defendants to provide him with a full copy of two notice of
13 electronic filings (NEFs) for two documents on the Court's docket, Docs. 23 and 24.
14 Plaintiff claims he has only received the first page. Plaintiff also requests that the Court
15 order Defendants to provide him with paper, pencils, envelopes, and stamps. Both
16 motions are denied.

17 Defendants submitted an affidavit from the warden of Plaintiff's facility attesting
18 to the fact that the ADOC follows a policy written and distributed by the Court, which
19 does not require providing prisoners with a full printout of the NEFs if they are filed by
20 the prisoner. (Doc. 40-1, ¶ 7.) Full printouts are required for documents filed by defense
21 counsel. (*Id.*, ¶ 8.) The NEFs requested by Plaintiff are documents he prepared and filed,
22 and thus need not be provided by Defendants. In addition, Defendants provided an
23 affidavit from the prison librarian attesting that Plaintiff's supply needs have been met.
24 (Doc. 37-1.) Plaintiff does not dispute the affidavit, and thus the motion is denied as
25 moot.

26 **IT IS ORDERED** that the Amended Report and Recommendation of the
27 Magistrate Judge, (Doc. 27), is **ACCEPTED**, the Report and Recommendation lodged at
28 (Doc. 22) is denied as moot, and Plaintiff's motion to supplement is **GRANTED**. In

1 addition, Plaintiff's motions for court intervention, (Docs. 29, 30), are **DENIED**.
2 Defendants must answer Plaintiff's claims in the FAC as set forth in this Order. Counts
3 III, VI, VII, and VIII of the FAC are dismissed.

4 Dated this 21st day of March, 2016.

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9 Douglas L. Rayes
United States District Judge